



**Frequently Asked Questions:
Final Rule to List the Salado and Georgetown
Salamanders and Proposed Special Rule
for the Georgetown Salamander**

Southwest Region (Arizona • New Mexico • Oklahoma • Texas) www.fws.gov/southwest/

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Q. What action is the U.S. Fish and Wildlife Service taking?

A. The Service is publishing a final rule to list the Georgetown and Salado salamanders as threatened species under the Endangered Species Act (ESA). In the August 22, 2012, listing proposal, the Service recommended that both species be listed as endangered. Based on information received during the public comment periods, we conclude in the final rule that the Georgetown and Salado salamanders are likely to become endangered species within the foreseeable future throughout all of their range and, therefore, meet the definition of a threatened species.

In addition, the Service is proposing a special rule for the Georgetown salamander under section 4(d) of the ESA. If finalized, harm caused to the salamander (called “take” under the ESA) that is incidental to activities conducted consistent with the conservation measures contained in the December 20, 2013, City of Georgetown’s water quality ordinance would not be prohibited under the ESA. The Service is opening a 60-day public comment period on the proposed 4(d) rule.

The Service will publish the final critical habitat rule for the Georgetown and Salado salamanders in a separate, future publication.

The Service’s listing determinations for the salamander species are based on the best available science.

Q. Why did the listing determination for the Georgetown and Salado salamanders change from endangered to threatened?

A. The standards for determining whether a species is endangered or threatened are provided in section 3 of the ESA. An endangered species is any species that is “in danger of extinction throughout all or a significant portion of its range.” A threatened species is any species that is

“likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.”

After a review of the best available scientific information as it relates to the status of the species and the five listing factors, we find the Georgetown and Salado salamanders are not currently in danger of extinction, but will be in danger of extinction in the future. While some threats to the salamanders are occurring now, the impacts from these threats are not yet at a level that puts this species in danger of extinction now. However, with future urbanization and the added effects of climate change, we expect habitat degradation and Georgetown and Salado salamander count declines to continue into the future to the point where the species will become in danger of extinction. Therefore, we are listing these salamanders as threatened, not endangered.

Q. Where are the Georgetown and Salado salamanders found?

A. The Georgetown and Salado salamanders are entirely aquatic and depend on water from the Edwards Aquifer in sufficient quantity and quality to meet their life history requirements for survival, growth and reproduction. The species reside in habitat dependent on the northern segment of the Edwards Aquifer, including springs and spaces in the subsurface aquifer.

Q. What are the primary threats to the salamanders?

A. The most significant threat to these salamander species is the future degradation of habitat in the form of reduced water quality and quantity and disturbance of spring sites. Increasing urbanization in areas where the salamanders are found will result in impacts to water quality. Recent drought conditions and human population growth are also negatively impacting water resources, reducing the quality and quantity of available habitat for the salamanders.

Q. How will the salamanders benefit from an ESA listing?

A. Species listed as endangered or threatened under the ESA benefit from conservation measures that include recognition of threats to the species, implementation of recovery actions and federal protection from harmful practices.

Recognition under the ESA results in public awareness and conservation by federal, state, tribal and local agencies; private organizations; and individuals. The ESA encourages cooperation with the states and other partners to conserve listed species.

The ESA also requires the Service to develop and implement recovery plans for the conservation of threatened and endangered species. Recovery plans outline actions that are needed to improve the species' status so that it no longer requires protection under the ESA. The Service develops and

implements these plans in partnership with species experts; other federal, state and local agencies; tribes; non-governmental organizations; academia; and other stakeholders. Recovery plans also establish a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. Examples of typical recovery actions include habitat protection, habitat restoration (e.g., restoration of native vegetation), research, captive propagation and reintroduction, and outreach and education.

Under the ESA, federal agencies must ensure that actions they approve, fund or carry out do not jeopardize the continued existence of a listed species or destroy its critical habitat. They do this through consultation on those actions with the Service. In addition, endangered or threatened animal species cannot be killed, hunted, collected, injured or otherwise subjected to "take." Endangered or threatened species cannot be purchased or sold in interstate or foreign commerce without a federal permit.

Q. Why is the Service proposing a 4(d) special rule?

A. Since the August 2012 listing proposal, Williamson County, specifically the City of Georgetown, has adopted water quality ordinances designed to reduce threats to the Georgetown salamander from urban development. After receiving public comments on the new Georgetown City ordinances, the Service found that while beneficial actions taken by the Georgetown City Council are expected to reduce the threats to the Georgetown salamander, there are additional threats that have not been addressed by their recent water quality ordinances. Hence, the Georgetown salamander still merits listing as a threatened species; however, we are now proposing a 4(d) special rule that would allow for the take of the Georgetown salamander incidental to activities that are consistent with the conservation measures contained in the ordinances.

Q. What is a 4(d) special rule?

A. Under the ESA, prohibited activities are defined for endangered species; however, the ESA allows the Service to define the prohibited activities for threatened species. These prohibited activities are defined through a special rule under section 4(d) of the ESA.

The Georgetown salamander proposed 4(d) special rule would allow for activities consistent with the conservation measures contained in the City of Georgetown's December 20, 2013, water quality ordinances. The ordinances are intended to reduce the principal threats to the Georgetown salamander within the City of Georgetown and its extraterritorial jurisdiction through the protection of water quality near occupied sites known at the time the ordinance was approved, enhancement of water quality protection throughout the Edwards Aquifer recharge zone and establishment of protective buffers around all springs and streams. They are expected to reduce the threat of habitat degradation by

reducing impacts to water quality and quantity and limiting disturbance of spring sites, and will thereby contribute to the conservation of the Georgetown salamander.

Q. How can the public comment on the proposed 4(d) special rule for the Georgetown salamander?

A. With respect to the proposed 4(d) special rule, the Service is requesting public comments on the following:

- (1) Whether the measures outlined in the proposed 4(d) special rule are necessary and advisable for the conservation and management of the Georgetown salamander;
- (2) Additional provisions the Service may wish to consider for a 4(d) special rule in order to conserve, recover and manage the Georgetown salamander.

Comments may be submitted by one of the following methods:

- (1) *Electronically*: Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter FWS–R2–ES–2014–0008, which is the docket number for this rulemaking. You may submit a comment by clicking on “Comment Now!”
- (2) *By hard copy*: Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R2–ES–2014–0008; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

We request that you send comments **only** by one of the methods described above. We will post all comments on <http://www.regulations.gov>. We will consider all comments and information received during our preparation of a final 4(d) special rule. Accordingly, the final rule may differ from this proposal.

Q. What does the listing of the Georgetown and Salado salamanders mean for private landowners and developers?

A. We anticipate that many of the projects that could impact the salamanders will be handled through our section 7 consultation process. For other projects that may kill, injure or otherwise harm the Georgetown or Salado salamanders or cause significant habitat modifications a Service permit may be required. In those instances, the Service will work with the landowner or developer to develop a Habitat Conservation Plan (HCP) and associated permit containing measures designed to avoid, reduce and/or mitigate those impacts. However, if the proposed 4(d) rule for the Georgetown salamander is finalized as drafted, activities conduct consistent with the conservation measures contained in the

December 20, 2013, City of Georgetown's water quality ordinance would not be prohibited and no permit will be required.